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OFFICE OF PETITIONS

In re Application of :
Vilas M. Chopdekar et al :
Application No. 10/734,460 : DECISION ON PETITION
Filed: December 12, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. JFCT-1-03(CIP) : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed February 13, 2006, to make the above-identified application special based on prospective manufacture and actual infringement asset forth in M.P.E.P. § 708.02, Sections I and II.

The petition based on prospective manufacture is **GRANTED**.

The petition based on actual infringement is **DISMISSED** as moot since special status has been accorded to this application on other ground as addressed below.

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

- (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted; If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
- (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
- (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Additionally, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition meets the requirements set out above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1617 for action on the merits commensurate with this decision.



Denise Pothier
Petitions Examiner
Office of Petitions